

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

LUIS M. DIAZ-GUILLEN, )  
Plaintiff, )  
v. )  
J. D. VIEREGGE, AARON L. LAY, MATT )  
MCCONKEY, VIPIN SHAH, and JAY L.)  
SWANSON, )  
Defendants. )

Case No. 3:15-cv-1101-NJR-DGW

## ORDER

**WILKERSON, Magistrate Judge:**

This matter is before the Court for docket control. On May 25, 2016, Plaintiff filed a First Amended Complaint alleging claims against various personnel employed by the Fayette County Jail. Requests for waiver of service of the summons and complaint were sent to Defendants Swanson and Shah (erroneously named “Vipin Shaw”<sup>1</sup> in the docket) on February 17, 2016 (after Plaintiff named them in a previously filed complaint) (Docs. 9-10). The waivers were returned unexecuted on March 2, 2016 (Doc. 11). After formal service was initiated (Docs. 15, 18), summons was returned executed as to Swanson on June 30, 2016 (Doc. 23) and he filed a responsive pleading on July 29, 2016.

Shah's summons was returned executed on July 14, 2016 (Doc. 31). His answer was due on August 2, 2016. As to the other Defendants, waivers were returned on June 8, 2016 as to Vieregg and Lay; their answers were due on July 25, 2016 (Docs. 19, 20). Formal service on McConkey was initiated on July 29, 2016 (Doc. 32) but so far, no summons has been returned executed (Doc. 34).

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<sup>1</sup> The Clerk of Court is DIRECTED to modify the docket to reflect to true spelling of this Defendant's name, "Vipin Shah."

In sum, Swanson has appeared and filed a responsive pleading; Shah, Vieregge, and Lay have been served (or waived) and have not filed a timely responsive pleading; and, McConkey has yet to acknowledge service.

Defendants Shah, Vieregge, and Lay are *sua sponte* **GRANTED** until November 14, 2016 to file responsive pleadings in this matter. **The failure to file such responsive pleadings may result in an entry of default.** The Clerk of Court is **DIRECTED** to mail a copy of this Order to Defendants at the Fayette County Jail, 221 South 7th Street, Vandalia, Illinois 62471 and to the Fayette County Sheriff, Chris Smith, at the same address.

**DATED:**



**DONALD G. WILKERSON**  
**United States Magistrate Judge**